

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A data distribution system comprising:
  - a reproducing apparatus for reproducing content data distributed from a mounted recording medium;
  - a recording apparatus for recording said reproduced content data on a mounted recording medium;
  - an examining means for examining usage space information of the content data recorded on the recording medium mounted in said reproducing apparatus, the recording medium mounted in said reproducing apparatus, said reproducing apparatus, the recording medium mounted in said recording apparatus, and said recording apparatus; and
  - a controlling means for controlling transfer of said content data from said recording medium mounted in said reproducing apparatus to said recording medium mounted in said recording apparatus based on the result of said examination;
  - wherein said usage space information indicates system information of said recording apparatus and said reproducing apparatus, ownership right information of said content data, format information of said content data, and distributing profit information obtained by the distribution of said content data[.], and
  - wherein said examining means;

examines whether said content data is of a first type which is distributed in an encrypted state or of a second type which is distributed in an unencrypted state,

examines whether said recording medium is of a first type having a configuration enabling recorded data to be effectively read out by performing authentication processing or of a second type having no such configuration and enabling read out of the recorded data without authentication,

examines whether said reproducing apparatus is of a first type for reproducing after the authentication processing or of a second type for reproducing without that processing, and

examines whether said recording apparatus is of a first type for recording after the authentication processing or of a second type for recording without that processing.

2. (Canceled)

3. (Currently Amended) A data distribution system as set forth in claim [[2]] 1, wherein said controlling means disables the reproduction when said usage information indicates that the content data is of said first type, the recording medium mounted in the reproducing apparatus is said second type of recording medium, and said reproducing apparatus is said second type of reproducing apparatus.

4. (Currently Amended) A data distribution system as set forth in claim [[2]] 1, wherein said controlling means disables the reproduction when that the content data is of said first type, the recording medium mounted in the reproducing apparatus is said

second type of recording medium, and said reproducing apparatus is said first type of reproducing apparatus.

5. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means enables the reproduction when said usage information indicates that the content data is of said second type, the recording medium mounted in the reproducing apparatus is said second type of recording medium, and said reproducing apparatus is said second type of reproducing apparatus.

6. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means enables the reproduction when said usage information indicates that the content data is of said second type, the recording medium mounted in the reproducing apparatus is said second type of recording medium, and said reproducing apparatus is said first type of reproducing apparatus.

7. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means disables the reproduction when said usage information indicates that the content data is of said first type, the recording medium mounted in the reproducing apparatus is said first type of recording medium, and said reproducing apparatus is said second type of reproducing apparatus.

8. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means enables the reproduction when said usage information

indicates that the content data is of said first type, the recording medium mounted in the reproducing apparatus is said first type of recording medium, and said reproducing apparatus is said first type of reproducing apparatus.

9. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means enables the reproduction when said usage information indicates that the content data is content data of said second type, the recording medium mounted in the reproducing apparatus is said first type of recording medium, and said reproducing apparatus is said second type of reproducing apparatus.

10. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means enables the reproduction when said usage information indicates that the content data is of said second type, the recording medium mounted in the reproducing apparatus is said first type of recording medium, and said reproducing apparatus is said first type of reproducing apparatus.

11. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means disables the recording when usage information indicates that the content data is content data of said first type, the recording medium mounted in the recording apparatus is said second type of recording medium, and said recording apparatus is said second type of recording apparatus.

12. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means disables the recording when usage information indicates that the content data is of said first type, the recording medium mounted in the recording apparatus is said second type of recording medium, and said recording apparatus is said first type of recording apparatus.

13. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means enables the recording when said usage information indicates that the content data is of said second type, the recording medium mounted in the recording apparatus is said second type of recording medium, and said recording apparatus is said second type of recording apparatus.

14. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means enables the recording when said usage information indicates that the content data is of said second type, the recording medium mounted in the recording apparatus is said second type of recording medium, and said recording apparatus is said first type of recording apparatus.

15. (Currently Amended) A data distribution system as set forth in claim ~~[[2]]~~ 1, wherein said controlling means disables the recording when that the content data is of said first type, the recording medium mounted in the recording apparatus is said first type of recording medium, and said recording apparatus is said second type of recording apparatus.

16. (Currently Amended) A data distribution system as set forth in claim [[2]] 1, wherein said controlling means enables the recording when said usage information indicates that the content data is content data of said first type, the recording medium mounted in the recording apparatus is said first type of recording medium, and said recording apparatus is said first type of recording apparatus.

17. (Currently Amended) A data distribution system as set forth in claim [[2]] 1, wherein said controlling means enables the recording when said usage information indicates that the content data is content data of said second type, the recording medium mounted in the recording apparatus is said first type of recording medium, and said recording apparatus is said second type of recording apparatus.

18. (Currently Amended) A data distribution system as set forth in claim [[2]] 1, wherein said controlling means enables the recording when said usage information indicates said usage information indicates that the content data is content data of said second type, the recording medium mounted in the recording apparatus is said first type of recording medium, and said recording apparatus is said first type of recording apparatus.

19-25. (Canceled)

26. (Currently Amended) A data distribution method comprising the steps of:

examining usage space information of content data distributed on a recording medium mounted in a reproducing apparatus, a recording medium mounted in said reproducing apparatus, said reproducing apparatus, a recording medium mounted in a recording apparatus, and said recording apparatus; and

controlling the transfer of said content data from said recording medium mounted in said reproducing apparatus to said recording medium mounted in said recording apparatus based on the result of said examining~~examination~~;

wherein said usage space information indicates system information of said recording apparatus and said reproducing apparatus, ownership right information of said content data, format information of said content data, and distributing profit information obtained by the distribution of said content data[[]], and

wherein said examining;

examines whether said content data of a first type which is distributed in an encrypted state or of a second type which is distributed in an unencrypted state,

examines whether said recording medium is of a first type having a configuration enabling recorded data to be effectively read out by performing authentication processing or of a second type having no such configuration and enabling read out of the recorded data without authentication,

examines whether said reproducing apparatus is of a first type for reproducing after the authentication processing or of a second type for reproducing without that processing, and

examines whether said recording apparatus is of a first type for recording after the authentication processing or of a second type for recording without that processing.

27. - 30. (Canceled)

31. (Currently Amended) A data processing apparatus comprising:

a reproducing apparatus for reproducing content data distributed from a mounted recording medium;

an examining means for examining usage space information of the content data recorded on a recording medium mounted in said reproducing apparatus, a recording medium mounted in said reproducing apparatus, and said reproducing apparatus; and

a controlling means for controlling the reproduction of the content data from said recording medium mounted in said reproducing apparatus based on results of said examination the result of said examination;

wherein said usage space information indicates system information of said recording apparatus and said reproducing apparatus, ownership right information of said content data, format information of said content data, and distributing profit information obtained by the distribution of said content data[.], and

wherein said examining means;

examines whether said content data is to of a first type which is distributed in an encrypted state or of a second type which is distributed in an unencrypted state,

examines whether said recording medium is of a first type having a configuration enabling recorded data to be effectively read out by performing authentication processing or of a second type having no such configuration and enabling read out of the recorded data without authentication, and



examines whether said reproducing apparatus is of a first type for reproducing after the authentication processing or a second type for reproducing without that processing.

32. (Canceled)

33. (Currently Amended) A data processing apparatus as set forth in claim [[32]] 31, wherein said controlling means disables the reproduction when said usage information indicates that the content data is of said first type, the recording medium mounted in the reproducing apparatus is said second type of recording medium, and said reproducing apparatus is said second type of reproducing apparatus.

34. (Currently Amended) A data processing apparatus as set forth in claim [[32]] 31, wherein said controlling means disables the reproduction when said usage information indicates that the content data is of said first type, the recording medium mounted in the reproducing apparatus is said second type of recording medium, and said reproducing apparatus is said first type of reproducing apparatus.

35. (Currently Amended) A data processing apparatus as set forth in claim [[32]] 31, wherein said controlling means disables the reproduction when said usage information indicates that the content data is of said first type, the recording medium mounted in the reproducing apparatus is said first type of recording medium, and said reproducing apparatus is said second type of reproducing apparatus.

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36-49. (Canceled)